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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,182	02/25/2004	Ming-Fa Wang	SUND 503	3384
23995	7590	06/01/2006	EXAMINER	
RABIN & Berdo, PC 1101 14TH STREET, NW SUITE 500 WASHINGTON, DC 20005			TON, ANABEL	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/785,182

Applicant(s)

WANG ET AL.

Examiner

Anabel M. Ton

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-16 is/are allowed.
- 6) ☒ Claim(s) 1-13,17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings were received on 03/14/06. These drawings are accepted.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,5-7,17 are rejected under 35 U.S.C. 102(e) as being anticipated by Hsieh (6,880,947).

2. With regards to applicants limitation of the metallic carrier being “extruded” the applicant is advised that patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process.” *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964,

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966. Therefore the limitation of "extruded" is not being given any patentable weight because it is a product by process.

Hsieh discloses a metallic carrier (59), wherein the metallic carrier has a top-face (60) and a plurality of heat-dissipating channels (59b) with an accommodation sink being formed on the top-face (metallic carrier forms an accommodation area or "sink" to accommodate reflecting plate 58); and a light source which is deposited in the accommodation sink (14) (fig 8); the light source comprises a plurality of cold cathode fluorescent lamps (CCFLS) lined up in the accommodation sink (col.2 lines 48-50); a reflector sheet which is deposited in the accommodation sink and is situated under the light source(58); a diffuser plate deposited above the light source(16). The metallic carrier has a constant cross-sectional profile along its entire length (the heat dissipating fins appear to extend the length of the carrier)

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4,8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsieh et al (6,880,947).

Hsieh discloses the claimed invention except for the recitation of the base and lateral bodies of the metallic carrier being fixed on the two ends of carrier's top face by forming

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a screw joint with the base body. With regards to forming the carrier into one piece from several pieces, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the carrier of Hsieh by several pieces held by a screw means, since it has been held that forming in one piece a structure which has formerly been formed in two, or more pieces, involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 USPQ 164 (1893). Furthermore it appears that the carrier of Hsieh works equally as well being formed in one piece.

- With regards to applicant's recitation that extruded metallic carrier is an aluminum extrusion carrier, as recited above the term "extruded" and in this case "extrusion" has not been given any patentable weight since it is a product by process recitation. Hsieh discloses the heat dissipating carrier/plate as being made of aluminum (col. 2 lines 65-67);
- With regards to applicants term regarding the two lateral bodies as being "deposited" on the two ends of the body's top face in claim 8, the applicant is advised that patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966. Therefore the limitation of "deposited" is not being given any patentable weight because it is a product by process.
- With regards to claim 8, Hsieh discloses the claimed invention except for the recitation of a plurality of second heat dissipating channels being formed on

lateral bodies of the carrier. Hsieh discloses an metallic carrier (59) which has a base body and two lateral bodies (fig 8) and a plurality of head dissipating channels formed in the base body and a light source placed in the accommodation sink (14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Hsieh to include a plurality of heat dissipating channels in the lateral bodies/sides of the carrier since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. Furthermore, additional heat dissipating channels along the sides of the carrier would provide the device of Hsieh with a greater amount of means to remove heat from the inner body, which is desirable in backlight applications to prevent heat damage to the inner components of the device.

### ***Response to Arguments***

5. Applicant's arguments filed 03/14/06 have been fully considered but they are not persuasive. With regards to claim 1, applicant argues that the Hsieh reference does not teach a plurality of heat dissipating channels disposed therein within the accommodation sink, the examiner disagrees for the following reasons: although applicant argues that fin structure 59b is a puckered or wrinkled part of the heat dissipating plate is formed along the surface of the heat dissipating plate as opposed to in the metallic carrier, the examiner disagrees since these puckered or wrinkled parts are formed in the carrier 59 in that they are part of the structure of carrier 59. The term

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"in" as recited by applicant is not considered to sufficiently distinguish from the formation of the heat dissipating plate of Hsieh. The applicant is advised to change the recitation "in" for "within" which is a more definitive term in that "within" is "used as a function word to indicate enclosure or containment" as opposed to "in" which is "used as a function word to indicate inclusion, location or position within limits" and is considered to be a broader term satisfied by the device of Hsieh with regards to the heat dissipating channels.

***Allowable Subject Matter***

6. Claims 14-16 are allowed.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit 2875

AMT



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